

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

**IN RE:  
ROCHELLE CUNNINGHAM  
DEBTOR,**

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**CASE NO.: 17-15354-mdc  
CHAPTER 13**

**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

U.S. BANK NATIONAL ASSOCIATION AS INDENTURE TRUSTEE FOR CIM TRUST 2015-3AG MORTGAGE-BACKED NOTES, SERIES 2015-3AG ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan (DE #6), and states as follows:

1. Debtor, Rochelle Cunningham ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on August 7, 2017.
2. Secured Creditor holds a security interest in the Debtor's real property located at 49 W SHARPNECK ST., PHILADELPHIA, PA 19119, by virtue of a Mortgage recorded on March 31, 2005 as Document #51145616 of the Public Records of Philadelphia County, PA. Said Mortgage secures a Note in the amount of \$45,000.00.
3. The Debtor filed a Chapter 13 Plan on August 7, 2017.
4. The Plan fails to include treatment of Secured Creditor's claim. The subject property and claim are, however, listed in Debtor's schedules. Secured Creditor objects to the Plan and seeks clarification as to Debtor's intentions in regard to the subject property and claim.
5. It is anticipated that Secured Creditor's claim will show the pre-petition arrearage due Secured Creditor is \$24,583.37, whereas the Plan doesn't propose to pay any specific arrearage. Therefore, the Plan is not in compliance with the requirements of 11 U.S.C. §§ 1322(b)(3) and 1325(a)(5) and cannot be confirmed. Secured Creditor objects to any plan which proposes to pay it anything less than \$24,583.37 as the pre-petition arrearage over the life of the plan.

**WHEREFORE**, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on December 11, 2017, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

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By: /s/Kevin Buttery  
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